

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ANTIOCH LITIGATION TRUST, :  
Plaintiff, : Case No. 3:09cv218  
vs. : JUDGE WALTER HERBERT RICE  
McDERMOTT WILL & EMERY, LLP, :  
Defendant. :

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DECISION AND ENTRY OVERRULING DEFENDANT'S FIRST MOTION  
TO DISMISS (DOC. #10), AS SUPERSEDED

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In response to Plaintiff's Complaint (Doc. #1), charging it with legal malpractice, the Defendant filed a Motion to Dismiss (Doc. #10) ("First Motion to Dismiss"). Plaintiff, in turn, filed an Amended Complaint (Doc. #14), which resulted in Defendant filing another Motion to Dismiss (Doc. #16) ("Second Motion to Dismiss"). Just as the Plaintiff's Amended Complaint has superseded its initial pleading, Defendant's Second Motion to Dismiss has superseded its first such

motion. Accordingly, the Court overrules, as superseded, Defendant's First Motion to Dismiss (Doc. #10).

February 17, 2010

/s/ Walter Herbert Rice

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WALTER HERBERT RICE, JUDGE  
UNITED STATES DISTRICT COURT

Copies to:

Counsel of Record.